JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Dale Weis, Chair; Janet Sayre Hoeft, Vice-Chair; Aari Roberts, Secretary; Dan Jaeckel, First Alternate; LaVerne Behrens, Second Alternate

<u>PUBLIC HEARING</u> BEGINS AT **1:00 P.M.** ON JUNE 20, 2019 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

<u>CALL TO ORDER FOR BOARD MEMBERS ONLY</u> IS AT 10:15 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

<u>SITE INSPECTION FOR BOARD MEMBERS ONLY</u> LEAVES AT 10:30 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 10:15 a.m.

Meeting called to order @ 10:15 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Weis, Hoeft, Roberts

Members absent: ----

Staff: Laurie Miller, Sarah Higgins, Lindsey Schreiner

3. Certification of Compliance with Open Meetings Law

Hoeft acknowledged publication. Staff also presented proof of publication.

4. Approval of the Agenda

Roberts made motion, seconded by Hoeft, motion carried 3-0 on a voice vote to approve the agenda.

5. Approval of May 9, 2019 Meeting Minutes

Hoeft made motion, seconded by Weis, motion carried 3-0 on a voice vote to approve the meeting minutes with a correction to the fourth page of the Manske petition testimony, third paragraph, last line to say "was not *correct* nor..."

- **6. Communications None**
- 7. Public Comment None
- 8. Site Inspections Beginning at 10:30 a.m. and Leaving from Room 203

V1648-19 – Danny H Bauer, Town of Watertown V1647-19 – Steven & Linda Steinhoff, Town of Palmyra

V1646-19 – Gregory & Christine Dufek, Town of Palmyra

9. Public Hearing – Beginning at 1:00 p.m. in Room 205

Meeting called to order @ 1:00 p.m. by Weis

Members present: Weis, Hoeft, Roberts

Absent: ---

Staff: Laurie Miller, Lindsey Schreiner, Sarah Higgins, Matt Zangl

10. Explanation of Process by Board of Adjustment Chair

The following was read into the record by Weis:

NOTICE OF PUBLIC HEARING JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, June 20, 2019 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. Based upon the findings of fact, the Board of Adjustment must conclude that: 1) Unnecessary hardship is present in that a literal enforcement of the terms of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; 2) The hardship is due to unique physical limitations of the property rather than circumstances of the applicant; 3) The variance will not be contrary to the public interest as expressed by the purpose and intent of the zoning ordinance. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** There may be site inspections prior to public hearing which any interested parties may attend; discussion and possible action may occur after public hearing on the following:

<u>V1646-19 – Gregory & Christine Dufek:</u> Variance from Sec. 11.04(f)1 of the Jefferson County Zoning Ordinance to allow for reduced side yard setbacks for the addition of the home at **W1489**

N Blue Spring Lake Drive. The site is on PIN 024-0516-2843-018 (0.82 Ac) in the Town of Palmyra and is zoned R-1, Residential-Sewered.

Gregory Dufek, W1489 N Blue Spring Lake Drive, Palmyra, presented the petition. He stated they would like to put on a 750 square foot addition and connect it to the existing detached garage. By attaching, it would then be less than 2' too close to the lot line. The hardship is that this would be the only place for the addition. The house is already 75' to the lake, to the east is the well, and to the west is a play site with cemented footings along with mature trees. By connecting the addition to the garage, it would allow them safer ingress into the house especially in the winter months. The garage has been there and there is no issue with the setbacks. The change is that they would like to connect it to the addition. This addition would be more than adequate for the setback.

The petitioner state he has spoken to the neighbors on both sides of the property, and has gotten a statement from the neighbors to the west who are in support. Mr. Dufek read a letter into the record from them (Otto and Maureen Radke). He stated that he also spoke with the other neighbors and did not hear any objection from them.

Roberts asked the petitioner to describe in more detail the south side of the property. The petitioner stated that was the lake side. Roberts asked about the southwest side. The petitioner stated that there is a play structure right in the middle which is a large metal structure that is 20'-25' long and cemented into the ground with concrete footings. It would be difficult to move it as well with all the trees on that side of the house.

Roberts asked about the foundation under the garage. The petitioner stated there was a slab on grade. Roberts commented on the garage and that the garage door was less than 7', and asked if the petitioner had any concern. The petitioner stated no, he usually parks his truck outside and has a small utility trailer he parks in there. Roberts asked about him wanting to put his truck inside. The petitioner stated that it would be nice, but his wife would probably be parking inside.

Weis asked the petitioner if the purpose of the addition was to have access from the garage to the house. The petitioner stated yes. Weis asked that the intent was then to use it for vehicle parking. The petitioner stated yes. Roberts noted that the truck would still sit out because it won't fit in there. The petitioner stated that he never tried to put it in the garage.

Hoeft noted that it would be 2' closer than the ordinance calls for. The petitioner stated that it would be a little bit less than that. This garage has always existed and there have been no issues that he knew of. They are not moving the garage or putting the addition closer than 10'. Hoeft explained the purpose of the ordinance, and that it did not seem to be a factor.

There were no questions or comments in favor of the petitioner. Hoeft asked if there was a response from the DNR. Weis stated he did not see anything in the file. Weis read into the record a letter from BS Dream LLC (David C Meade, James E Meade, Jeffrey A Meade and Barbara A Khanna), W1481 N Blue Spring Lake Drive, Palmyra, objecting to the petition. They did not believe there was a hardship with the current situation, were concerned that granting a variance would exempt the entire residence from the setback requirements, and would allow the Dufeks to

ultimately extend the full structure to the existing east edge of the garage further encroaching on their property. This is a double lot, and there is nothing unique about this property.

There was a town response in the file approving the petition which Weis read into the record.

Roberts asked if the petitioner had thought about moving the garage to make it conforming. The petitioner stated had not given it any consideration. Roberts stated that garages are moved all the time, and further explained. Hoeft made comment/questioned that 750 square feet would not be just for a breezeway. The petitioner stated they would be adding 1-2 bedrooms and bathroom.

Roberts questioned the location of a septic tank, but this was on sewer. There was further discussion. Weis noted that it is not the job or duty of the Board to make suggestions for changes to construction, but in defense to the points Roberts made, it would make the garage more useable.

Schreiner gave staff report. She stated it is a 0.818 acre parcel in the R-1 Zone. Currently, the detached garage does meet the appropriate setback of 3' for a detached structure. The petitioner is proposing to attach the garage to the house. The addition itself will meet the setback at 10', but by adding it to the garage, it will not meet the setback and become non-conforming. The impervious surface calculations will be addressed with the land use permit. There was no permit on file for the garage that was constructed pre 1975. There was a permit on file in 1970 for a home addition, and another one in 1980 for another addition.

Hoeft confirmed that this would then become a non-conforming structure, if approved. She asked staff to explain the implications there could be down the road. Schneider noted that if the petition was granted they wanted to do any more work on the home, it would require another variance approval. Roberts clarified that this would be if there was an expansion. Schneider stated yes, any expansion. Zangl stated that if a zoning permit was required for any additional work, there would be a good chance they would need to come back for a variance. Hoeft made note of the objection from the trust(neighbor) and having to take into consideration the land rather than the petitioner wanting a covered way to get from the garage to the house and more space. The petitioner explained that he couldn't go out toward the lake side because they are already at 75' from the lake. On the east side is the well and even if he added 33'-34', it would be close to the lot line. On the west side, there are mature trees and the play set which makes it difficult if not impossible. Hoeft made comment that anywhere else to do this is already taken. The petitioner state right. This encroachment does not create a problem with the view of the lake and the garage has been there since it was built.

Zangl commented that as the petitioner stated, going to the west, it would be a lot closer to the lake. By keeping it on the north side it does keep it way from the lake. That issue is kind of addressed with the impervious surface which will have to be taken care of with the issuance of a permit if this is granted. It does have some water quality impacts also. Hoeft asked staff when people are coming in for permits or to inquire originally, are they given the information on impervious surfaces. Zangl stated anytime the property is within 300' of the lake, the impervious surface standards apply.

Weis commented to the petitioner that he may want to consider the idea of moving the garage and upgrading the foundation to take away from creating a non-conforming structure. Hoeft asked staff to explain the over 50% expansion rules. Zangl stated it really did not apply, but if they would expand again and for any zoning permit issued, they would have to come back to the Board which is something the petitioner could consider. The petitioner stated they are only in their preliminary discussions with their builder. They first wanted to find out what they would be allowed do, and if they could do this, then they would get into more detail. Zangl noted the structure appeared to be pretty sturdy. The petitioner stated yes. Roberts asked the petitioner the cost of the expansion. The petitioner stated depending on exactly what they come up with, it would be around \$75,200. Roberts asked if they tear down the existing garage, and put on a 2-car garage, how much would that add to the cost. The petitioner stated he would have no idea. Weis noted that it was food for thought for the petitioner.

<u>V1647-19 – Steven & Linda Steinhoff:</u> Variance from Sec. 11.03(f)2 and 11.04(f)1 of the Jefferson County Zoning Ordinance to allow for an accessory structure without the principal use in an R-1, Residential zone off **South Shore Drive**. The site is on PIN 024-0516-3311-009 (0.344 Ac) in the Town of Palmyra.

Steven Steinhoff, W1430 South Shore Drive, Palmyra, presented the petition. Linda Steinhoff was also present. Mr. Steinhoff stated they live across the street and a couple doors down from this lot. There is no other room to build anything else on their lot, and they need additional storage. They would be placing it on the southwest corner of the lot, and they are proposing a 24'x50' and 15' in height storage structure. It would meet all the ordinance requirements. The use is similar to all other uses that other homes on the lake have. He explained the neighboring properties similar to theirs. Storage is an issue living on the lake with smaller lots. He has talked to the neighbors and has heard no objection from any of them. There is town approval.

Roberts asked about the location of their lot in reference to the lot mentioned by the petitioner who had received variance and conditional use approval. The petitioner explained, and there was further discussion.

Zangl stated these were small lots for cottages, and now there are rather large homes and maybe a small garage, and of course, everyone needs more room for their storage. Then the lot across the road comes up for sale, they purchase it, and build their accessory storage structures right across the street from their house.

Roberts asked staff if the variance that was recently granted had any restrictions. Zangl stated off the top of his head, the only discussion was on the septic or manhole cover. The Board may have put on some condition determining exactly what that was, and it needing to be abandoned if it was a septic tank. Zangl stated he would like to see placement on the far southwestern corner so if sold, there would be room to put a single family home on the lot. The petitioner stated they plan on placing it there to consider the future.

There were no questions or comments in favor or opposition of the petition. There was a town decision in the file approving the petition which was read into the record by Weis.

Schreiner gave staff report. This is a .344 acre, R-1 zoned property. The ordinance requirement is for a principal structure use prior to an accessory structure. The petitioner's residence is located nearby.

<u>V1648-19 – Danny H Bauer:</u> Variance from Sec. 11.04(f)6, 11.07(d)2, and 11.09(c) of the Jefferson County Zoning Ordinance to allow for a home addition at less than the required road setbacks to an existing nonconforming structure. The site is at **N7788 County Road Y,** Town of Watertown, in an A-1, Exclusive Agricultural zone on PIN 032-0815-3043-003 (0.54 Ac).

Danny Bauer, N7788 County Road Y, Watertown, stated he would like to extend the garage out 3' towards the road to get a vehicle in the garage and add a wheelchair ramp. It would also be 8' wider to the north. It would be at 83'4" from the centerline of the road when the garage is constructed.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file approving the petition which was read into the record by Weis.

Hoeft asked the petitioner to speak about the three separate issues the Board needs to look at. Schneider gave staff report first. She stated that it's a .54 acre parcel zoned A-1. There is no sanitary permit or permit for the existing home on file prior to 1970. They are proposing a garage structure to a currently existing, non-conforming structure that does not meet the required setback to the centerline of County Road Y. There is a 110' centerline and 50' ROW setback requirement. He does meet the ROW setback at 53' and currently is at 86' from the centerline of the road. Schneider asked the petitioner how far it was currently to the centerline. The petitioner stated it was 86'4". Roberts clarified that it was supposed to be 110'. Schneider stated would be right. Zangl asked the petitioner for clarification on how far the garage is currently off the centerline setback. The petitioner stated it was 86'4". With the new garage, the setback would be 83'4".

Weis asked the petitioner if the wheelchair ramp would be any closer. The petitioner stated it would be at the same setback as the proposed garage. Zangl explained 11.04(f)6 and 11.07(d)2. He noted the petitioner would meet the side lot line setback of 20'. The road setback is a challenge. The lot is very small, and there really isn't much room to do anything. Zangl referenced 11.09(c), non-conforming structures. This would be over the 50% expansion and 50% of structural members. Looking at the size of the house, he is going over that 50%, and looking at the structural members, he doesn't have many to begin with. Even if we could fit him into the 50%, he's still going closer to the road. Hoeft confirmed that all three would need to be addressed. Zangl stated yes, that 2 of them come together, and there is the setback. The Board could look at it as one large request because they are also close to one another that they intermingle.

Roberts asked the petitioner for the size of the existing garage. The petitioner stated it is 12'x20'. Roberts asked how long his vehicle was. The petitioner stated it was 19'. If he parks in the garage and closed the garage door, he cannot get into the house.

Weis noted the well was to the north, the septic was to the south, and that his options were limited. Zangl noted there was room in the back yard, but he would have to run over the well or septic to get to it. Roberts asked how far the well was from the house. The petitioner stated it was 12', and noted there were elevation problems in the back yard. Roberts asked if he considered putting a garage in the back yard. The petitioner stated he hasn't even considered it because he would have to go up hill. Higgins noted that there was a 12-20% slope in that area.

Weis noted this was consistent with neighboring properties. The petitioner stated that at the time the house was built, the setback was 85' to the centerline. Roberts asked about doing a setback average. Zangl stated they would have to 5 structures and do an average. There was further discussion on doing a setback average.

There was a brief break from 1:50 p.m. to 1:54 p.m.

11. Discussion and Possible Action on Above Petitions (see following pages & files)

12. Adjourn

Hoeft made motion, seconded by Roberts, motion carried 3-0 on a voice vote to adjourn @ 2:33 p.m.

If you have questions regarding these variances, please contact the Zoning Department at 920-674-7113 or 920-674-8638. Variance files referenced on this hearing notice may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

JEFFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

A digital recording of the meeting will be available	in the Zoning Department upon request
Additional information on Zoning can be found a	t <u>www.jeffersoncountywi.gov</u>

Secretary	Date

DECISION OF THE ZONING BOARD OF ADJUSTMENT JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.:	2019 V1646	
HEARING DATE:	06-20-2019	
APPLICANT:	Gregory Dufek	
PROPERTY OWNER:	Gregory & Christine Duf	<u>iek</u>
PARCEL (PIN) #:	024-0516-2843-018	(W1489 N Blue Spring Lake Dr)
TOWNSHIP:	Palmyra	
INTENT OF PETITION R-1 zone at W1489 N Blue		uced side yard setback for the addition to home in an
THE APPLICANT REQU JEFFERSON COUNTY 2		OM SECTION <u>11.04(f)1</u> OF THE
	IE PROPOSED CONSTR AL OF THE VARIANCE A	UCTION AND PROPERTY WHICH RELATE TO APPLICATION ARE:
-0.818 acre R-1 lot		
	- C	oom, storm shed rear entrance
		om & living room extension with porch addition
	C	t with existing detached garage that is currently
8 feet away from the property line	e side property line. Living	area addition will be greater than 10 feet from side
-Required side yard	l sethack: 10 feet	
		rill result in it becoming a non-conforming structure
-Town approval on	0 0	
**		
		SPECTIONS: Site inspections
conducted. Observ	ved property layout & locati	<u>.0n.</u>
FACTS DRESENTED AT	PUBLIC HEADING	See tape, minutes & file.
I WO IO I KESENTED AT	I ODLIC HEARING:	oce tape, nimutes & me.

DECISION STANDARDS

Α.	NO VARIANCE MAY BE GRANTED WHICH WOUL LAND OR PROPERTY WHICH WOULD VIOLATES			i
В.	SUBJECT TO THE ABOVE LIMITATIONS, AREA V. COMPLIANCE WITH THE ZONING ORDINANCE WHICH WOULD UNREASONABLY PREVENT THE FOR A PERMITTED PURPOSE, OR WOULD REND ORDINANCE UNNECESSARILY BURDENSOME, A ORDINANCE TO BE OBSERVED, SUBSTANTIAL J. PUBLIC INTEREST NOT VIOLATED.	RESULTS IN AN UN E PETITIONER FRO ER CONFORMITY V AND WILL ALLOW T	INECESSARY HARDSHIP M USING THE PROPERTY VITH THE ZONING HE SPIRIT OF THE	
С.	SUBJECT TO THE ABOVE LIMITATIONS, USE VAI COMPLIANCE WITH THE ZONING ORDINANCE NO REASONABLE USE OF THE PROPERTY IN THE THE SPIRIT OF THE ORDINANCE TO BE OBSERVACCOMPLISHED, AND THE PUBLIC INTEREST N	WOULD LEAVE TH HE ABSENCE OF A V VED, SUBSTANTIAL	E PROPERTY OWNER WITH ARIANCE AND WILL ALLOW	
	BASED ON THE FINDINGS OF FACT, THE BOARI	O CONCLUDES THA	T:	
1.	UNNECESSARY HARDSHIP IS NOT PRESENT IN TERMS OF THE ZONING ORDINANCE WOULD NOT FROM USING THE PROPERTY FOR A PERMITTER WITH SUCH RESTRICTIONS UNNECESSARILY BUTTON COMPLIANCE WITH THE ZONING ORDINANCE NO REASONABLE USE OF THE PROPERTY (USE Decause there are other options (i.e. expanding to	NOT UNREASONABI D PURPOSE OR WOU URDENSOME (AREA WOULD LEAVE TH VARIANCE) BECAUS	LY PREVENT THE OWNER ULD RENDER CONFORMIT A VARIANCE) OR STRICT E PROPERTY OWNER WITH SEthere is not a hardship	[
	reasonable use of the property as is.	o the southwest of mo	ing the garage). They have	
	Weis(in favor): owner is entitled to the addition	which is legal.		
2.	THE HARDSHIP OR NO REASONABLE USE IS NO THE PROPERTY RATHER THAN THE CIRCUMST no physical restrictions. They want this addition Weis(in favor): attaching the existing garage with	ANCES OF THE API nal space. The propert	PLICANT BECAUSE <u>there</u> y does not make this a necessity	is
3.	THE VARIANCE WILL BE CONTRARY TO THE PUPURPOSE AND INTENT OF THE ZONING ORDIN Weis(in favor): does not affect the public.	NANCE BECAUSE	opposition was expressed.	
	weis(in favor): does not affect the public.			
A VA	RIANCE MAY BE GRANTED IF ALL THESE CONDI	TIONS ARE MET		
DECIS	SION: THE REQUESTED VARIANCE IS DENIED.			
MOTION COND	* *	VOTE: 2-1	(voice vote)	
SIGNE	ED:CHAIRPERSON	DATE:	06-20-2019	

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

DECISION OF THE ZONING BOARD OF ADJUSTMENT JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.:	2019 V1647	
HEARING DATE:	06-20-2019	
APPLICANT:	Steven J & Linda L St	einhoff
PROPERTY OWNER:	SAME	
PARCEL (PIN) #:	024-0516-3311-009	(South Shore Dr)
TOWNSHIP:	Palmyra	
INTENT OF PETITION	ER: To allow for an zone off South Shore	n accessory structure without the principal use in an R-1 Drive.
JEFFERSON COUNTY Z	ONING ORDINANC	
THE FEATURES OF TH THE GRANT OR DENIA		FRUCTION AND PROPERTY WHICH RELATE TO E APPLICATION ARE:
-0.344 acre R-1 zone		
		without the principal structure on a vacant R-1 lot
		e (Single family detached home) must exist on the
	accessory structure (11	
		South Shore Drive across the road and three lots to the
-Town approval on	5/13/19	
		INSPECTIONS: Site inspections
conducted. Observe	ed property layout & lo	cation.
FACTS PRESENTED AT	PUBLIC HEARING:	See tape, minutes & file.

DECISION STANDARDS

A.							CT OF ALLOWING A USE OF MINISTRATIVE RULES:
В.	COM WHI FOR ORD ORD	IPLIANCE CH WOUL A PERMI'I INANCE I INANCE 'I	WITH THE D UNREASO TED PURPO UNNECESSA	ZONING ORD DNABLY PREV OSE, OR WOUL RILY BURDEN RVED, SUBSTA	INANCE REENT THE PLOTE RENDER	ESULTS IN AN UN ETITIONER FRO CONFORMITY W D WILL ALLOW T	GRANTED WHERE STRICT NECESSARY HARDSHIP M USING THE PROPERTY ITH THE ZONING HE SPIRIT OF THE DMPLISHED, AND THE
С.	COM NO I THE	IPLIANCE REASONAL SPIRIT O	WITH THE BLE USE OF F THE ORD	ZONING ORD THE PROPER	INANCE WO TY IN THE E OBSERVE	OULD LEAVE THI ABSENCE OF A V D, SUBSTANTIAL	RANTED WHERE STRICT E PROPERTY OWNER WITH ARIANCE AND WILL ALLOW JUSTICE TO BE
	BASI	ED ON TH	E FINDING	S OF FACT, TH	E BOARD C	ONCLUDES THA	Г:
4.	THE PRO REST	ZONING PERTY FO FRICTION H THE ZO SONABLE adjacent lot acros	ORDINANC OR A PERMIT OR UNNECES ONING ORDI USE OF THE owned prope s the street.	E WOULD UN: TTED PURPOS: SARILY BURD NANCE WOUI E PROPERTY (rty is appropriat	REASONAB E OR WOUL ENSOME (A LD LEAVE T USE VARIA e. The main kicks in here	LY PREVENT THI D RENDER CONI AREA VARIANCE) HE PROPERTY O NCE) BECAUSE _ lot needs additional . They were able to	CEMENT OF THE TERMS OF E OWNER FROM USING THE FORMITY WITH SUCH OR STRICT COMPLIANCE WNER WITH NO an accessory structure on an storage. This is provided by the buy the parcel, and without the
5.		PERTY RA typically limitatio	THER THAI allow only en n. It needs ac	N THE CIRCUI lough land for a j lditional storage	MSTANCES primary struct across the st	OF THE APPLICA ture. The substandareet. The parcel the	SICAL LIMITATIONS OF THE NT BECAUSE
6.		POSE AND	INTENT O or future use, i	F THE ZONIN s necessary. Ne	G ORDINAN	NCE BECAUSE operties have similar	ST AS EXPRESSED BY THE the accessory structure, which structures and circumstances.
	A V	ARIANCE	MAY BE GRA	ANTED IF ALL	THESE CO	NDITIONS ARE M	<u>IET</u>
DECI	SION:	THE REQ	UESTED VA	RIANCE IS GR	RANTED.		
MOTI	ON:	Weis		SECOND:	Hoeft	VOTE : 3-0	(voice vote)
CONI	OITIO	NS OF APP	ROVAL: The	e accessory struc	cture to be the	size and placemen	t as shown in the variance request.
SIGNI	E D :					DATE:	06-20-2019
BOAR	D DEC		CHAIRPERS IAY BE APPE		CUIT COUR	T. AUDIO RECOI	RD OF THESE PROCEEDINGS

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

DECISION OF THE ZONING BOARD OF ADJUSTMENT JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.:	2019 V1648			
HEARING DATE:	06-20-2019			
APPLICANT:	Danny H Bauer			
PROPERTY OWNER:	SAME			
PARCEL (PIN) #:	032-0815-3043-003	(N7788 Cou	nty Road Y)	
TOWNSHIP:	Watertown			
INTENT OF PETITION at less than the required re	•	0 0	_	orming structure
THE APPLICANT REQUIRENCE THE JEFFERSON COU			11.04(f)6, 11.07(d)2	<u>, & 11.09(c)</u> OF
THE FEATURES OF TH THE GRANT OR DENL - 0.54-acre A-1 Lot				H RELATE TO
	nit or Sanitary Permit or	n file for existing ho	me (built pre-1970)	
	osing a garage addition t			ome that
does not meet the i	required setback to the c	enterline of County	Road Y	
-Required Road Ri	ght-of-Way distance: 50	feet; Required Fee	from Road Centerli	ne: 110 feet
` '	<u> Minimum Yards. Front –</u>	` ,		
` '	Setbacks. Functional Cl			
_	es: 53 feet to Road Right-	<u>-of-Way; 86 feet to </u>	the Centerline of the	Road
-Town approval on	4/8/19			
FACTS OR OBSERVATI	ONS BASED ON SITE	INSPECTIONS:_	Site inspections	
conducted. Observ	ved property layout & lo	cation.		
FACTS PRESENTED AT	PUBLIC HEARING:_	See tape, mi	nutes & file.	

DECISION STANDARDS

Α.	NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES:
В.	SUBJECT TO THE ABOVE LIMITATIONS, AREA VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP WHICH WOULD UNREASONABLY PREVENT THE PETITIONER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE, OR WOULD RENDER CONFORMITY WITH THE ZONING
	ORDINANCE UNNECESSARILY BURDENSOME, AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.
С.	SUBJECT TO THE ABOVE LIMITATIONS, USE VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY IN THE ABSENCE OF A VARIANCE AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.
	BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:
7.	UNNECESSARY HARDSHIP IS NOT PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE WOULD UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME (AREA VARIANCE) OR STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY (USE VARIANCE) BECAUSE
8.	THE HARDSHIP OR NO REASONABLE USE IS DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the existing structure will provide no other option. The well is to the north. Behind the house, there are steep slopes. The septic is to the south, and the existing garage is too short. To the north is the well, to the south is the septic, to the east is a slope leaving adding on towards County Road Y.
9.	THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE
A VA	RIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET
DECIS	SION: THE REQUESTED VARIANCE IS GRANTED.
MOTI closer t	ON: Weis for the three sections listed in the variance for a garage addition and wheelchair ramp which is to the road than allowed. SECOND: Hoeft VOTE: 3-0 (voice vote)
COND	OITIONS OF APPROVAL/DENIAL:
SIGNE	ED:DATE:O6-20-2019 CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.